IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 20.07.2005

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice AR.RAMALINGAM

Writ Petition No.10110 of 2004
and
W.P.M.P. No.11792 of 2004

1. The Revenue Divisional Officer,
Tirukoilur,
Villupuram District.

2. The Tahsildar,
Tirukoilur,
Tirukoilur Taluk,
Villupuram District. ... Petitioners

vs.

1. G.Karpagam

2. The Registrar,
Tamil Nadu Administrative Tribunal,
Chennai-104. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of writ of certiorari to call for the records, pertaining to the order dated 27.1.2004 in O.A. No.88 of 2004 on the file of the Tamil Nadu Administrative Tribunal, Chennai-104 (2nd Respondent herein) in so far as it relates to a direction to the authorities to reinstate respondent No.1 and quash the same.

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For Petitioners : Mr.Suresh Viswanath,
Govt. Advocate.

For Respondent-1 : Mr.V.Raghavachari.

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O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

By consent of both parties, the main Writ Petition itself is taken up for disposal.

2. Aggrieved by the order of the Tamil Nadu Administrative Tribunal, dated 27.01.2004, made in O.A. No.88 of 2004, the Revenue Divisional Officer, Tirukoilur, Villupuram, and the Tahsildar have filed the above writ petition before this Court.

3. The first respondent herein filed O.A. No.88 of 2004 before the Tamil Nadu Administrative Tribunal praying to set aside the suspension order dated 21.11.2003. The Tribunal, by the impugned order, after finding that the suspension is a prolonged one and directing the respondents therein to transfer her to the Collectorate, allowed her application. In the same order, the Tribunal has directed the respondents therein to reinstate the applicant and the Department was permitted to get along with the enquiry. Questioning the same, the present Writ Petition has been filed.

4. Learned Government Advocate appearing for the petitioners has brought to our notice that the finding of the Tribunal that the suspension was a prolonged one is not factually correct. According to him, since the charge relates to misappropriation, they are fully justified in suspending her till completion of the enquiry. In addition to the details relating to the charge of misappropriation, the deponent to the affidavit, viz., Revenue Divisional Officer, Tirukoilur, has stated that a criminal case has been filed against the 1st respondent herein in C.C. No.12 of 2004, dated 8.1.2004, under Section 409 IPC. and the same is pending. According to the learned Government Advocate, this fact was not considered by the Tribunal. It is also stated that departmental proceeding has been initiated against the first respondent under 17(b) of TNC Rule.

5. On going through the charges levelled against the first respondent and other particulars as well as the impugned order of the Tribunal, we are of the view that the Tribunal is not justified in interfering with the order of suspension. Ends of justice would be met by directing the first petitioner to complete the enquiry within a period of three months from the date of receipt of copy of this order. The first respondent herein is directed to co-operate for early disposal of the enquiry as directed above.

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6. The impugned order of the Tribunal is set aside and the Writ Petition is allowed on the above terms. No costs. Connected W.P.M.P. is closed.

20.07.2005.

JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To

1. The Revenue Divisional Officer, Tirukoilur,
   Villupuram Dt.

2. The Registrar, Tamil Nadu Administrative Tribunal,
   Chennai.104

3. The Tahsildar, Tirukoilur Taluk,
   Tirukoilur, Villupuram District.

1 cc to the Government Pleader, High Court, Madras, SR.29787

1 cc to Mr.V.Raghavachari, Advocate, SR.30007.

rrn (co)

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WP. No.10110 of 2004
& connected WPMP.

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